

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORTH WORTH DIVISION**

INDEX OF STATE COURT FILE

The following is an index identifying each state court document and the date in which each document was filed in the 17th District Court, Tarrant County, Texas.

EXHIBIT	FILED	DOCUMENT
3-1		State Court File Docket Sheet
3-2	03-02-2022	Plaintiff's Original Petition
3-3	03-02-2022	Request for Issuance of Citation on Forward Air
3-4	03-02-2022	Request for Issuance of Citation on Punjab Trucking
3-5	03-02-2022	Request for Issuance of Citation on Kumar Sushil
3-6	03-04-2022	Citation Issued on Kumar Sushil
3-7	03-04-2022	Citation Issued on Punjab Trucking
3-8	03-04-2022	Citation Issued on Forward Air
3-9	03-05-2022	Executed Citation on Punjab Trucking
3-10	03-13-2022	Executed Citation on Kumar Sushil
3-11	03-22-2022	Plaintiff's Notice of Nonsuit as to Defendant Punjab Trucking
3-12	03-22-2022	Proposed Order of Nonsuit as to Defendant Punjab Trucking
3-13	03-22-2022	Order of Nonsuit as to Defendant Punjab Trucking
3-14	04-01-2022	Defendant Forward Air's Original Answer
3-15	04-05-2022	Order Setting Trial
3-16	04-11-2022	Defendant Forward Air's Notice of Removal
3-17	05-04-2022	Remand Order
3-18	05-04-2022	Letter of Remand
3-19	05-06-2022	Defendant Sushil's Original Answer
3-20	05-06-2022	Order Setting Trial
3-21	05-27-2022	Conformed Level 3 Agreed Discovery Control Plan
3-22	06-29-2022	Plaintiffs' First Amended Petition



Tarrant County District Clerk Online

Thomas A. Wilder, District Clerk

Civil Case and Transaction Information

06/30/2022 9:57 AM

Court : **017** Case : **332243** Show Service Documents ONLY

Cause Number : 017-332243-22

Date Filed : 03-02-2022

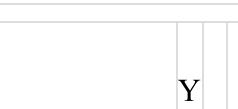
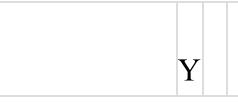
AMANDA HARDIN | **VS** | PUNJAB TRUCKING LLC, ET AL

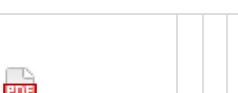
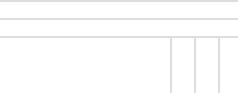
Cause of Action : INJURY OR DAMAGE, INVOLVING MOTOR VEHICLE

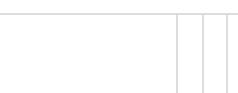
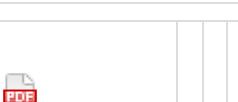
Case Status : PENDING, REMANDED FROM FEDERAL COURT

File Mark	Description	Assessed Fee	Credit/Paid Fee
03-02-2022	<u>PLTFS' ORIG PET</u>	 N	<u>\$350.00</u>
03-02-2022	<u>PAYMENT RECEIVED trans #1</u>	 Y	<u>\$213.00</u>
03-02-2022	<u>PAYMENT PAID TO STATE trans #1</u>	 Y	<u>\$137.00</u>
03-02-2022	<u>REQ FOR ISSUANCE CERT MAIL</u>		<u>\$0.00</u>

3-1

03-02-2022	<u>REQ FOR ISSUANCE EMAIL</u>			<u>\$0.00</u>
03-02-2022	<u>REQ FOR ISSUANCE EMAIL</u>			<u>\$0.00</u>
03-02-2022	<u>CIT-ISSUED ON KUMAR SUSHIL-On 03/04/2022</u>		N Svc	<u>\$8.00</u>
03-02-2022	<u>PAYMENT RECEIVED trans #7</u>		Y	<u>\$8.00</u>
03-02-2022	<u>CIT Cert Mail-ISSUED ON PUNJAB TRUCKING LLC-On 03/04/2022</u>		N Svc	<u>\$83.00</u>
03-02-2022	<u>CIT Cert Mail-ISSUED ON FORWARD AIR INC-On 03/04/2022</u>		N Svc	<u>\$83.00</u>
03-02-2022	<u>PAYMENT RECEIVED trans #10</u>		Y	<u>\$83.00</u>
03-02-2022	<u>PAYMENT RECEIVED trans #9</u>		Y	<u>\$83.00</u>
03-02-2022	<u>COPIES - SENT TO DP (1-10 PAGES)</u>		N	<u>\$16.00</u>
03-02-2022	<u>PAYMENT RECEIVED trans #13</u>		Y	<u>\$16.00</u>

03-15-2022	<u>CIT Cert Mail Tr# 9 RET EXEC(PUNJAB TRUCKING LLC) On 03/05/2022</u>			<u>\$0.00</u>
03-15-2022	<u>RTN OF SVC ON KUMAR SUSHIL</u>			<u>\$0.00</u>
03-15-2022	<u>CIT Tr# 7 RET EXEC(KUMAR SUSHIL) On 03/13/2022</u>			<u>\$0.00</u>
03-22-2022	<u>PLTF'S NOT NONSUIT W/O PREJ AS TO PUNJAB TRUCKING</u>			<u>\$0.00</u>
03-22-2022	<u>(PROP) ORD OF NONSUIT AS TO PUNJAB TRUCKING LLC</u>			<u>\$0.00</u>
03-22-2022	<u>***ORD OF NONSUIT AS TO DEFN PUNJAB TRUCKING LLC***</u>		M	<u>\$0.00</u>
03-23-2022	<u>DOCKET SHEET</u>			<u>\$0.00</u>
04-01-2022	<u>DEFNS ORIG ANS (FORWARD AIR INC)</u>			<u>\$0.00</u>
04-01-2022	<u>JURY REQUESTED</u>			<u>\$0.00</u>
04-05-2022	<u>***ORD SET TRIAL (WK OF 01/30/2023)***</u>		M	<u>\$0.00</u>

04-11-2022	<u>DEFN'S NOT OF FILING OF NOT REMOVAL TO US DIST CT</u>			<u>\$0.00</u>
04-11-2022	<u>***CASE CLOSED***(REMOVED TO US DIST COURT).</u>			<u>\$0.00</u>
04-11-2022	<u>*****CASE CLOSED*****</u>			<u>\$0.00</u>
05-04-2022	<u>***ORD*** (REMAND TO 17TH JUDICIAL DIST COURT).</u>		M	<u>\$0.00</u>
05-04-2022	<u>LTR FROM US DIST COURT (LTR OF REMAND).</u>			<u>\$0.00</u>
05-04-2022	<u>US DIST COURT CIVIL DOCKET SHEET</u>			<u>\$0.00</u>
05-06-2022	<u>KUMARR SUSHIL'S ORIG ANS</u>			<u>\$0.00</u>
05-06-2022	<u>***ORD SET TRIAL***(WK OF JANUARY 30, 2023).</u>		M	<u>\$0.00</u>
05-10-2022	<u>VAC LTR FOR ATTY CLINTON COX</u>			<u>\$0.00</u>
05-23-2022	<u>(PROP)LEVEL 3 AGRD DISC CONTROL PLAN</u>			<u>\$0.00</u>

05-27-2022	<u>***LEVEL 3 AGRD DISC CONTROL</u> <u>PLAN(WK OF 06/26/2023)***</u>	 M	<u>\$0.00</u>
06-29-2022	<u>PLTF'S 1ST AMD PET (+1 DEFN)</u>		<u>\$0.00</u>
06-29-2022	<u>JURY REQUESTED</u>		<u>\$0.00</u>

FILED
TARRANT COUNTY
3/2/2022 4:48 PM
THOMAS A. WILDER
DISTRICT CLERK

CAUSE NO. 017-332243-22

**AMANDA HARDIN, individually
and as next of friend of G.B., a minor
Plaintiffs,**

v.

**PUNJAB TRUCKING LLC
FORWARD AIR, INC., and
KUMAR SUSHIL,
Defendants.**

IN THE DISTRICT COURT OF

TARRANT COUNTY, TEXAS

_____ JUDICIAL DISTRICT

PLAINTIFFS' ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

AMANDA HARDIN, (hereinafter “Plaintiff”) individually and as next friend of G.B. (hereinafter “Minor Plaintiff” and collectively “Plaintiffs”), files this Original Petition complaining of Defendants, **PUNJAB TRUCKING LLC** (hereinafter “Defendant Punjab”), **FORWARD AIR., INC.** (hereinafter “Defendant Forward Air”), and **KUMAR SUSHIL** (hereinafter “Defendant Kumar” and collectively “Defendants”), and for cause of action would respectfully show the Court and jury the following:

I.
DISCOVERY CONTROL PLAN

1. Plaintiff intends that discovery be conducted under Level 3.

II.
TEXAS RULE OF CIVIL PROCEDURE 47

2. Plaintiff seeks damages that are within the jurisdictional limits of the Court. TEX. R. CIV. P. 47(b).

3. Plaintiff seeks monetary relief over \$1,000,000. TEX. R. CIV. P. 47(c)(4). **3.2**

III.
TRCP 193.7 NOTICE

4. Pursuant to Texas Rules of Civil Procedure 193.7, Defendants are hereby given notice that Plaintiff intends to use documents produced by Defendants in response to written discovery at any pretrial proceeding or trial.

IV.
PARTIES

5. Plaintiff **AMANDA HARDIN**, an individual, resides in Potter County, Texas. The last three digits of her social security number are 206 and the last three digits of her Texas driver's license number are 527.

6. **DEFENDANT PUNJAB** is a domestic limited liability company licensed to do business in Texas. Defendant may be served through its registered agent, Parry Juara, at 410 Pointer Place, Arlington, Texas 76002, or wherever the agent may be found.

7. **DEFENDANT FORWARD AIR** is a foreign for-profit corporation licensed to do business in Texas. Defendant may be served through its registered agent, Cogency Global, Inc., at 1601 Elm Street, Suite 4360, Dallas, Texas 75201, or wherever the agent may be found.

8. **DEFENDANT SUSHIL** is an individual who may be served at 7253 Pepperwood Knoll Lane, Apartment 157, Sacramento, California 95842, or wherever they may be found.

9. Plaintiff specifically invokes the right to institute this suit against Defendants in any other name that has been used to designate the Defendants, or which the Defendants have used at any time. Plaintiff expressly invokes the right under Rule 28 of the Texas Rules of Civil Procedure to have the true name of Defendants substituted at a later time upon the motion of any party or of the Court. In the event any parties are misnamed or not included herein, such event was a misnomer.

V.
JURISDICTION AND VENUE

10. The amount in controversy in this case is within the jurisdictional limits of this Court.
11. Tarrant County is the proper venue because it is the county of Defendant Punjab's principal office. TEX. CIV. PRAC. & REM. CODE § 15.002(a)(3).
12. **DEFENDANT FORWARD AIR.** The court has personal jurisdiction over Defendant Forward Air, a nonresident, because Defendant Forward Air purposefully availed itself of the privileges and benefits of conducting business in Texas by performing services in Texas. Further, Defendant Forward Air committed a tort, which is the subject of this suit, in whole or in part in Texas. TEX. CIV. PRAC. & REM. CODE ANN. § 17.042(2).
13. **DEFENDANT SUSHIL.** The court has personal jurisdiction over Defendant Sushil, a nonresident, because Defendant Sushil purposefully availed himself of the privileges and benefits of conducting business in Texas by performing services in Texas. Further, Defendant Sushil committed a tort, which is the subject of this suit, in whole or in part in Texas. TEX. CIV. PRAC. & REM. CODE ANN. § 17.042(2).

VI.
BACKGROUND FACTS

14. On or about June 25, 2021, Plaintiff along with Minor Plaintiff were eastbound on I-40 in Custer County, Oklahoma.
15. At the same time, Defendant Sushil was traveling on I-40 in Custer, County Oklahoma. Defendant Sushil collided with Plaintiff's vehicle and caused the vehicle to roll.
16. At the time of the collision, the vehicle Defendant Sushil was driving was owned by Defendant Forward Air and/or Defendant Punjab.

17. As a result of the collision Plaintiff and Minor Plaintiff sustained severe personal injuries and damages.

VII.

DEFENDANT FORWARD AIR & DEFENDANT PUNJAB

18. **VICARIOUS LIABILITY—RESPONDEAT SUPERIOR.** Plaintiff fully incorporates by reference the allegations contained in the preceding paragraphs.

19. Defendant Forward Air and/or Defendant Punjab employed Defendant Sushil at the time of Plaintiffs' injuries.

20. Defendant Sushil was acting within the scope of such employment and/or agency and/or in furtherance of the business of Defendant Forward Air and/or Defendant Punjab at the time of Plaintiff's injuries.

21. As such, Defendant Forward Air and/or Defendant Punjab is legally responsible for the negligence of Defendant Sushil under the principle of agency, respondeat superior, and vicarious liability. Thus, Defendant Forward Air and/or Defendant Punjab is liable for the negligence of Defendant Sushil.

22. In the alternative, in the event Defendant Forward Air and/or Defendant Punjab did not employ Defendant Sushil, Defendant Sushil was acting under the direction and control of Defendant Forward Air and/or Defendant Punjab at the time of the incident in question.

23. Further, Defendant Forward Air and/or Defendant Punjab were negligent in its hiring, supervision, and training of Defendant Sushil. Defendant Forward Air and/or Defendant Punjab's negligence proximately caused Plaintiffs' injuries.

VIII.
DEFENDANT SUSHIL

24. **NEGLIGENCE.** Plaintiff fully incorporates by reference the allegations contained in the preceding paragraphs.

25. The collision described above, and the resulting injuries and damages suffered by Plaintiff was proximately caused by the negligent conduct of Defendant Sushil, as follows:

- a. Failing to ascertain that movement could be made safely before moving from his lane;
- b. Failure to timely apply his brakes;
- c. Failure to take proper evasive action;
- d. Failure to keep a proper lookout;
- e. Failure to maintain a safe distance between vehicles; and
- f. Failure to act as a reasonably prudent driver under the same or similar circumstances.

26. **NEGLIGENCE PER SE.** The collision described above, and the resulting injuries and damages suffered by Plaintiff, was proximately caused by the negligent conduct of the Defendant Sushil, as follows:

- a. Violating Texas Transportation Code § 545.060 by moving from a lane when movement could not be made safely.

27. Each of the foregoing acts and/or omissions, taken together or individually, constitute negligence and negligence per se. Moreover, the negligence of Defendant Sushil, as set out above, constitutes negligence as a matter of law and each proximately caused the collision and the injuries and damages sustained by Plaintiff.

IX.
DAMAGES

28. Plaintiff incorporates the allegations contained in the preceding paragraphs as if fully set forth and stated herein.

29. As a result of Defendants' negligence, Plaintiffs suffered severe personal injuries to their entire body.

30. Some of these ill-effects may be permanent and will abide with Plaintiffs for their entire life. The specific injuries and their ill effects have, in turn, caused Plaintiff's physical and mental condition to deteriorate generally, so that the specific injuries and ill effects alleged have caused and will, in all reasonable probability, cause Plaintiffs to suffer the consequences and ill effects of this deterioration throughout their body for the balance of their natural life.

31. As a further result of the nature and consequences of the injuries, Plaintiff has suffered physical pain and suffering, and mental anguish, and in all reasonable probability, will continue to suffer physical pain and mental anguish for a long time into the future.

32. As a further result of the injuries sustained by Plaintiff, there is a reasonable probability that they will require further medical care and attention and will incur future reasonable and necessary expenses for their medical care and attention. Plaintiffs seek recovery for all related future medical expenses.

33. By reason of all of the above, Plaintiff suffered losses and damages in a sum that exceeds the minimum jurisdictional limits of the Court for which she sues.

34. Plaintiff seeks damages for their injuries and damages which directly and proximately resulted from Defendants' negligence in the following particulars:

- a. Physical pain and suffering in the past;

- b. Physical pain and suffering, that, in reasonable probability, Plaintiffs will incur in the future;
- c. Mental anguish sustained in the past;
- d. Mental anguish that, in reasonable probability, Plaintiffs will sustain in the future;
- e. Loss of enjoyment of life in the past;
- f. Loss of enjoyment of life that, in reasonable probability, Plaintiffs will sustain in the future;
- g. Medical expenses that, in reasonable probability, Plaintiffs will incur in the future;
- h. Physical impairment in the past;
- i. Physical impairment that, in reasonable probability, Plaintiffs will sustain in the future; and
- j. Disfigurement.

X.
CONDITIONS PRECEDENT

35. All conditions precedent to Plaintiffs' claims for relief have been performed or have occurred.

XI.
JURY DEMAND

36. Plaintiff requests a trial by jury and tenders the appropriate fee with this Petition.

XII.
PRAYER

37. WHEREFORE, Plaintiff requests that Defendants be cited to appear and answer herein and that upon a final trial of this cause, Plaintiff recover:

- a. Judgment against Defendants for actual damages in an amount in excess of the minimum jurisdictional limits of this Court, with prejudgment interest at the highest rate allowed by law;
- b. Interest after judgment at the highest rate allowed by law;
- c. Costs of suit; and
- d. Such other and further relief to which Plaintiff may be or become justly entitled.

Respectfully submitted,
ATTORNEY DEAN BOYD, PLLC

/s/ *Taylor Seaton*
Blake A. Scott
State Bar No. 24108307
blake@deanboyd.com
Taylor L. Seaton
State Bar No. 24115727
taylor@deanboyd.com
Dean Boyd
State Bar No. 02766300
dean@deanboyd.com
4423 Southwest 45th Avenue
Amarillo, Texas 79109
Telephone: (806) 242-3333
Facsimile: (806) 322-3167
ATTORNEY FOR PLAINTIFF

REQUEST FOR ISSUANCE

CAUSE NUMBER: _____

017-332243-22

TYPE OF ISSUANCE: *E-FILING-YOU MUST ASSESS THE TYPE OF ISSUANCE, TYPE OF SERVICE, SERVICE FEES, AND COPY FEES ACCORDINGLY*

CITATION
 PRECEPT
 TRO
 PROTECTIVE ORDER
 ABSTRACT OF JUDGMENT
 WRIT OF EXECUTION
 OTHER: _____

TYPE OF SERVICE:

TARRANT COUNTY SHERIFF *SERVICE FEE AND COPY FEE REQUIRED*
 CIVIL PROCESS SERVER-AUTHORIZED PERSON TO PICK-UP: _____
 POSTING *SERVICE FEE AND COPY FEE REQUIRED*
 PUBLICATION *SERVICE FEE REQUIRED*
 CERTIFIED MAIL *SERVICE FEE AND COPY FEE REQUIRED*
 TO BE MAILED TO PARTY REQUESTING SERVICE *SELF ADDRESSED STAMPED ENVELOPE AND/OR POSTAGE FEE REQUIRED*
 TO BE EMAILED TO PARTY REQUESTING SERVICES-**MUST INCLUDE EMAIL ADDRESS**
LYNN@DEANBOYD.COM; KIM@DEANBOYD.COM

TITLE OF DOCUMENT: Plaintiff's Original Petition _____

FOR EACH PARTY SERVED YOU MUST ASSESS THE APPROPRIATE NUMBER OF COPIES OF THE DOCUMENT TO BE SERVED * UNLESS CLERK IS TO EMAIL, THEN NO COPY FEE IS REQUIRED*

FILE MARKED DATE OF DOCUMENT TO BE SERVED: _____ / _____ / _____

PARTY TO BE SERVED: (PLEASE FILL OUT A NEW REQUEST FORM PER PARTY TO BE SERVED)

NAME: Forward Air, Inc. _____

ADDRESS: 1601 Elm Street, suite 4360, Dallas, Texas, 75201 _____

AGENT, IF APPLICABLE: Cogency Global, Inc., Registered Agent _____

PARTY/ATTORNEY REQUESTING SERVICE:

NAME: Taylor Seaton _____

MAILING ADDRESS: 4423 SW 45th Ave., Amarillo, Texas, 79109 _____

PHONE NUMBER: 806-242-3333 _____ FAX NUMBER: _____

EMAIL ADDRESS: blake@deanboyd.com _____

REQUEST FOR ISSUANCE

CAUSE NUMBER: _____

017-332243-22

TYPE OF ISSUANCE: *E-FILING-YOU MUST ASSESS THE TYPE OF ISSUANCE, TYPE OF SERVICE, SERVICE FEES, AND COPY FEES ACCORDINGLY*

CITATION
 PRECEPT
 TRO
 PROTECTIVE ORDER
 ABSTRACT OF JUDGMENT
 WRIT OF EXECUTION
 OTHER: _____

TYPE OF SERVICE:

TARRANT COUNTY SHERIFF *SERVICE FEE AND COPY FEE REQUIRED*
 CIVIL PROCESS SERVER-AUTHORIZED PERSON TO PICK-UP: _____
 POSTING *SERVICE FEE AND COPY FEE REQUIRED*
 PUBLICATION *SERVICE FEE REQUIRED*
 CERTIFIED MAIL *SERVICE FEE AND COPY FEE REQUIRED*
 TO BE MAILED TO PARTY REQUESTING SERVICE *SELF ADDRESSED STAMPED ENVELOPE AND/OR POSTAGE FEE REQUIRED*
 TO BE EMAILED TO PARTY REQUESTING SERVICES **MUST INCLUDE EMAIL ADDRESS**
LYNN@DEANBOYD.COM; KIM@DEANBOYD.COM

TITLE OF DOCUMENT: Plaintiff's Original Petition _____

FOR EACH PARTY SERVED YOU MUST ASSESS THE APPROPRIATE NUMBER OF COPIES OF THE DOCUMENT TO BE SERVED * UNLESS CLERK IS TO EMAIL, THEN NO COPY FEE IS REQUIRED*

FILE MARKED DATE OF DOCUMENT TO BE SERVED: _____ / _____ / _____

PARTY TO BE SERVED: (PLEASE FILL OUT A NEW REQUEST FORM PER PARTY TO BE SERVED)

NAME: Punjab Trucking, LLC _____

ADDRESS: 410 Pointer Place, Arlington, Texas 76002 _____

AGENT, IF APPLICABLE: Parry Juara, Registered Agent _____

PARTY/ATTORNEY REQUESTING SERVICE:

NAME: Taylor Seaton _____

MAILING ADDRESS: 4423 SW 45th Ave., Amarillo, Texas, 79109 _____

PHONE NUMBER: 806-242-3333 _____ FAX NUMBER: _____

EMAIL ADDRESS: blake@deanboyd.com _____

REQUEST FOR ISSUANCE

CAUSE NUMBER: _____

017-332243-22

TYPE OF ISSUANCE: *E-FILING-YOU MUST ASSESS THE TYPE OF ISSUANCE, TYPE OF SERVICE, SERVICE FEES, AND COPY FEES ACCORDINGLY*

CITATION
 PRECEPT
 TRO
 PROTECTIVE ORDER
 ABSTRACT OF JUDGMENT
 WRIT OF EXECUTION
 OTHER: _____

TYPE OF SERVICE:

TARRANT COUNTY SHERIFF *SERVICE FEE AND COPY FEE REQUIRED*
 CIVIL PROCESS SERVER-AUTHORIZED PERSON TO PICK-UP: _____
 POSTING *SERVICE FEE AND COPY FEE REQUIRED*
 PUBLICATION *SERVICE FEE REQUIRED*
 CERTIFIED MAIL *SERVICE FEE AND COPY FEE REQUIRED*
 TO BE MAILED TO PARTY REQUESTING SERVICE *SELF ADDRESSED STAMPED ENVELOPE AND/OR POSTAGE FEE REQUIRED*
 TO BE EMAILED TO PARTY REQUESTING SERVICES **MUST INCLUDE EMAIL ADDRESS**
LYNN@DEANBOYD.COM; KIM@DEANBOYD.COM

TITLE OF DOCUMENT: Plaintiff's Original Petition _____

FOR EACH PARTY SERVED YOU MUST ASSESS THE APPROPRIATE NUMBER OF COPIES OF THE DOCUMENT TO BE SERVED * UNLESS CLERK IS TO EMAIL, THEN NO COPY FEE IS REQUIRED*

FILE MARKED DATE OF DOCUMENT TO BE SERVED: _____ / _____ / _____

PARTY TO BE SERVED: (PLEASE FILL OUT A NEW REQUEST FORM PER PARTY TO BE SERVED)

NAME: Kumar Sushil _____

ADDRESS: 7253 Pepperwood Knoll Lane, Apartment 157, Sacramento, California, 95842 _____

AGENT, IF APPLICABLE: _____

PARTY/ATTORNEY REQUESTING SERVICE:

NAME: Taylor Seaton _____

MAILING ADDRESS: 4423 SW 45th Ave., Amarillo, Texas, 79109 _____

PHONE NUMBER: 806-242-3333 _____ FAX NUMBER: _____

EMAIL ADDRESS: blake@deanboyd.com _____

THE STATE OF TEXAS
DISTRICT COURT, TARRANT COUNTY

CITATION

Cause No. 017-332243-22

AMANDA HARDIN

VS.

PUNJAB TRUCKING LLC, ET AL

TO: KUMAR SUSHIL

7253 PEPPERWOOD KNOLL LN APT 157 SACRAMENTO, CA 95842-

You said DEFENDANTS are hereby commanded to appear by filing a written answer to the PLAINTIFFS' ORIGINAL PETITION at or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof before the 17th District Court, 100 N CALHOUN, in and for Tarrant County, Texas, at the Courthouse in the City of Fort Worth, Tarrant County, Texas said PLAINTIFF being

AMANDA HARDIN

Filed in said Court on March 2nd, 2022 Against
PUNJAB TRUCKING LLC, FORWARD AIR INC, KUMAR SUSHIL

For suit, said suit being numbered 017-332243-22 the nature of which demand is as shown on said PLAINTIFFS' ORIGINAL PETITION a copy of which accompanies this citation.

TAYLOR L SEATON

Attorney for AMANDA HARDIN Phone No. (806)242-3333

Address 4423 SOUTHWEST 45TH AVE AMARILLO, TX 79109

Thomas A. Wilder, Clerk of the District Court of Tarrant County, Texas. Given under my hand and the seal of said Court, at office in the City of Fort Worth, this the 4th day of March, 2022.

By Natalie Higgen Deputy
NATALIE HIGGEN

NOTICE: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 AM. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Thomas A. Wilder, Tarrant County District Clerk, 100 N CALHOUN, FORT WORTH TX 76196-0402

OFFICER'S RETURN *01733224322000007*

Received this Citation on the _____ day of _____, _____ at _____ o'clock _____ M; and executed at _____ within the county of _____, State of _____ at _____ o'clock _____ M on the _____ day of _____, _____ by delivering to the within named (Def.): _____ defendant(s), a true copy of this Citation together with the accompanying copy of PLAINTIFFS' ORIGINAL PETITION, having first endorsed on same the date of delivery.

Authorized Person/Constable/Sheriff: _____

County of _____ State of _____ By _____ Deputy

Fees \$ _____

State of _____ County of _____ (Must be verified if served outside the State of Texas)

Signed and sworn to by the said _____ before me this _____ day of _____,

to certify which witness my hand and seal of office

(Seal)

County of _____, State of _____

3.6

CITATION

Cause No. 017-332243-22

AMANDA HARDIN

VS.

PUNJAB TRUCKING LLC, ET AL

ISSUED

This 4th day of March, 2022

Thomas A. Wilder
Tarrant County District Clerk
100 N CALHOUN
FORT WORTH TX 76196-0402

By NATALIE THIGPEN Deputy

TAYLOR L SEATON
Attorney for: AMANDA HARDIN
Phone No. (806)242-3333
ADDRESS: 4423 SOUTHWEST 45TH AVE

AMARILLO, TX 79109

CIVIL LAW



01733224322000007
SERVICE FEES NOT COLLECTED
BY TARRANT COUNTY DISTRICT CLERK
ORIGINAL

THE STATE OF TEXAS
DISTRICT COURT, TARRANT COUNTY

FILE COPY

CITATION

Cause No. 017-332243-22

AMANDA HARDIN
VS.
PUNJAB TRUCKING LLC, ET AL

TO: PUNJAB TRUCKING LLC

B/S REG AGENT-PARRY JUARA 410 POINTER PL ARLINGTON, TX 76002-

You said DEFENDANTS are hereby commanded to appear by filing a written answer to the PLAINTIFFS' ORIGINAL PETITION at or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof before the 17th District Court in and for Tarrant County, Texas, at the Courthouse in the City of Fort Worth, Tarrant County, Texas said PLAINTIFF being

AMANDA HARDIN

Filed in said Court on March 2nd, 2022 Against
PUNJAB TRUCKING LLC, FORWARD AIR INC, KUMAR SUSHIL

For suit, said suit being numbered 017-332243-22 the nature of which demand is as shown on said PLAINTIFFS' ORIGINAL PETITION a copy of which accompanies this citation.

TAYLOR L SEATON
Attorney for AMANDA HARDIN Phone No. (806)242-3333
Address 4423 SOUTHWEST 45TH AVE AMARILLO, TX 79109

Thomas A. Wilder, Clerk of the District Court of Tarrant County, Texas. Given under my hand and the seal of said Court, at office in the City of Fort Worth, this the 4th day of March, 2022.

By _____ Deputy _____
NATALIE THIGPEN

NOTICE: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 AM. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Thomas A. Wilder, Tarrant County District Clerk, 100 N CALHOUN, FORT WORTH TX 76196-0402

OFFICER'S RETURN *01733224322000009*

Received this Citation on the _____ day of _____, _____ at _____ o'clock _____ M; and executed at within the county of _____, State of _____ at _____ o'clock _____ M on the _____ day of _____, _____ by mailing to the within named _____

_____ a true copy of this Citation together with the accompanying copy of PLAINTIFFS' ORIGINAL PETITION having first endorsed on same the date of delivery.

_____ Deputy/Constable/Sheriff: _____

County of _____ State of _____ By _____ Deputy _____

Fees \$ _____

State of _____ County of _____ (Must be verified if served outside the State of Texas)

Signed and sworn to by the said _____ before me this _____ day of _____,

to certify which witness my hand and seal of office

(Seal)

County of _____, State of _____

3.7

CITATION

Cause No. 017-332243-22

AMANDA HARDIN

VS.

PUNJAB TRUCKING LLC, ET AL

ISSUED

This 4th day of March, 2022

Thomas A. Wilder
Tarrant County District Clerk
100 N CALHOUN
FORT WORTH TX 76196-0402

By NATALIE THIGPEN Deputy

TAYLOR L SEATON
Attorney for: AMANDA HARDIN
Phone No. (806)242-3333
ADDRESS: 4423 SOUTHWEST 45TH AVE

AMARILLO, TX 79109

CIVIL LAW



01733224322000009

THE STATE OF TEXAS
DISTRICT COURT, TARRANT COUNTY

FILE COPY

CITATION

Cause No. 017-332243-22

AMANDA HARDIN

VS.

PUNJAB TRUCKING LLC, ET AL

TO: FORWARD AIR INC

B/S REG AGENT-COGENCY GLOBAL INC 1601 ELM ST STE 4360 DALLAS, TX 75201-

You said DEFENDANTS are hereby commanded to appear by filing a written answer to the PLAINTIFFS' ORIGINAL PETITION at or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof before the 17th District Court in and for Tarrant County, Texas, at the Courthouse in the City of Fort Worth, Tarrant County, Texas said PLAINTIFF being

AMANDA HARDIN

Filed in said Court on March 2nd, 2022 Against
PUNJAB TRUCKING LLC, FORWARD AIR INC, KUMAR SUSHIL

For suit, said suit being numbered 017-332243-22 the nature of which demand is as shown on said PLAINTIFFS' ORIGINAL PETITION a copy of which accompanies this citation.

TAYLOR L SEATON

Attorney for AMANDA HARDIN Phone No. (806)242-3333

Address 4423 SOUTHWEST 45TH AVE AMARILLO, TX 79109

Thomas A. Wilder, Clerk of the District Court of Tarrant County, Texas. Given under my hand and the seal of said Court, at office in the City of Fort Worth, this the 4th day of March, 2022.

By _____

Deputy

NATALIE THIGPEN

NOTICE: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 AM. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Thomas A. Wilder, Tarrant County District Clerk, 100 N CALHOUN, FORT WORTH TX 76196-0402

OFFICER'S RETURN *01733224322000010*

Received this Citation on the _____ day of _____, _____ at _____ o'clock _____ M; and executed at _____ within the county of _____, State of _____ at _____ o'clock _____ M on the _____ day of _____, _____ by mailing to the within named _____

a true copy of this Citation together with the accompanying copy of PLAINTIFFS' ORIGINAL PETITION having first endorsed on same the date of delivery.

Deputy/Constable/Sheriff: _____

County of _____ State of _____ By _____ Deputy

Fees \$ _____

State of _____ County of _____ (Must be verified if served outside the State of Texas)

Signed and sworn to by the said _____ before me this _____ day of _____,

to certify which witness my hand and seal of office

(Seal)

County of _____, State of _____

3.8

CITATION

Cause No. 017-332243-22

AMANDA HARDIN

VS.

PUNJAB TRUCKING LLC, ET AL

ISSUED

This 4th day of March, 2022

Thomas A. Wilder
Tarrant County District Clerk
100 N CALHOUN
FORT WORTH TX 76196-0402

By NATALIE THIGPEN Deputy

TAYLOR L SEATON
Attorney for: AMANDA HARDIN
Phone No. (806)242-3333
ADDRESS: 4423 SOUTHWEST 45TH AVE

AMARILLO, TX 79109

CIVIL LAW



01733224322000010

THE STATE OF TEXAS
DISTRICT COURT, TARRANT COUNTY

ORIGINAL

CITATION

Cause No. 017-332243-22

AMANDA HARDIN

VS.

PUNJAB TRUCKING LLC, ET AL

TO: PUNJAB TRUCKING LLC

B/S REG AGENT-PARRY JUARA 410 POINTER PL ARLINGTON, TX 76002-

You said DEFENDANTS are hereby commanded to appear by filing a written answer to the PLAINTIFFS' ORIGINAL PETITION at or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof before the 17th District Court in and for Tarrant County, Texas, at the Courthouse in the City of Fort Worth, Tarrant County, Texas said PLAINTIFF being

AMANDA HARDIN

Filed in said Court on March 2nd, 2022 Against
PUNJAB TRUCKING LLC, FORWARD AIR INC, KUMAR SUSHIL

For suit, said suit being numbered 017-332243-22 the nature of which demand is as shown on said PLAINTIFFS' ORIGINAL PETITION a copy of which accompanies this citation.

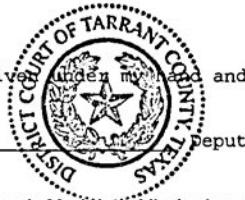
TAYLOR L SEATON

Attorney for AMANDA HARDIN Phone No. (806)242-3333

Address 4423 SOUTHWEST 45TH AVE AMARILLO, TX 79109

Thomas A. Wilder, Clerk of the District Court of Tarrant County, Texas. Given under my hand and the seal of said Court, at office in the City of Fort Worth, this the 4th day of March, 2022.

By Natalie Higpen
NATALIE HIGPEN



NOTICE: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 AM. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Thomas A. Wilder, Tarrant County District Clerk, 100 N CALHOUN, FORT WORTH TX 76196-0402

OFFICER'S RETURN *01733224322000009*

Received this Citation on the _____ day of _____, _____ at _____ o'clock _____ M; and executed at _____ within the county of _____, State of _____ at _____ o'clock _____ M on the _____ day of _____, _____ by mailing to the within named _____

a true copy of this Citation together with the accompanying copy of PLAINTIFFS' ORIGINAL PETITION having first endorsed on same the date of delivery.

Deputy/Constable/Sheriff: _____

County of _____ State of _____ By _____ Deputy

Fees \$ _____

State of _____ County of _____ (Must be verified if served outside the State of Texas)

Signed and sworn to by the said _____ before me this _____ day of _____,

to certify which witness my hand and seal of office

(Seal)

County of _____, State of _____

3.9

7019 1640 0000 9364 9489

CITATION

Cause No. 017-332243-22

AMANDA HARDIN

VS.

PUNJAB TRUCKING LLC, ET AL

ISSUED

This 4th day of March, 2022

Thomas A. Wilder
Tarrant County District Clerk
100 N CALHOUN
FORT WORTH TX 76196-0402

By NATALIE THIGPEN Deputy

TAYLOR L SEATON
Attorney for: AMANDA HARDIN
Phone No. (806)242-3333
ADDRESS: 4423 SOUTHWEST 45TH AVE

AMARILLO, TX 79109

CIVIL LAW



0173322432200009

ORIGINAL

FILED
TARRANT COUNTY

2022 MAR 15 PM 3:10

THOMAS A. WILDER
DISTRICT CLERK

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature <i>Amber</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee B. Received by (Printed Name) <i>Amber</i> <input type="checkbox"/> Date of Delivery <i>3-5-21</i> C. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>1. Article Addressed to:</p> <p>PUNJAB TRUCKING LLC B/S REG AGT-PARRY JUARA 410 POINTER PL ARLINGTON, TX 76002 017-332243-22 DP/NT/CM</p>		<p>2. Article Number (Transfer from service label) 7019 1640 0000 9364 9489</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>		<p><input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>			
<p>Domestic Return Receipt</p>			

THE STATE OF TEXAS
DISTRICT COURT, TARRANT COUNTY

CITATION

Cause No. 017-332243-22

AMANDA HARDIN

VS.

PUNJAB TRUCKING LLC, ET AL

TO: KUMAR SUSHIL

7253 PEPPERWOOD KNOLL LN APT 157 SACRAMENTO, CA 95842-

You said DEFENDANTS are hereby commanded to appear by filing a written answer to the PLAINTIFFS' ORIGINAL PETITION at or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof before the 17th District Court ,100 N CALHOUN, in and for Tarrant County, Texas, at the Courthouse in the City of Fort Worth, Tarrant County, Texas said PLAINTIFF being

AMANDA HARDIN

Filed in said Court on March 2nd, 2022 Against
PUNJAB TRUCKING LLC, FORWARD AIR INC, KUMAR SUSHIL

For suit, said suit being numbered 017-332243-22 the nature of which demand is as shown on said PLAINTIFFS' ORIGINAL PETITION a copy of which accompanies this citation.

Affidavit Attached

TAYLOR L SEATON

Attorney for AMANDA HARDIN Phone No. (806)242-3333

Address 4423 SOUTHWEST 45TH AVE AMARILLO, TX 79109

Thomas A. Wilder, Clerk of the District Court of Tarrant County, Texas. Given under my hand and the seal of said Court, at office in the City of Fort Worth, this the 4th day of March, 2022.

By

Natalie Thigpen

NATALIE THIGPEN



A CERTIFIED COPY
ATTEST: 03/04/2022
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Natalie Thigpen

NOTICE: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 AM. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Thomas A. Wilder, Tarrant County District Clerk, 100 N CALHOUN, FORT WORTH TX 76196-0402

OFFICER'S RETURN *01733224322000007*

Received this Citation on the _____ day of _____, _____ at _____ o'clock _____ M; and executed at within the county of _____, State of _____ at _____ o'clock _____ M on the _____ day of _____, _____ by delivering to the within named (Def.): _____ defendant(s), a true copy of this Citation together with the accompanying copy of PLAINTIFFS' ORIGINAL PETITION , having first endorsed on same the date of delivery.

Authorized Person/Constable/Sheriff: _____
County of _____ State of _____ By _____ Deputy

Fees \$ 130.00 _____ (Must be verified if served outside the State of Texas)
State of _____ County of _____ before me this _____ day of _____,
Signed and sworn to by the said _____ to certify which witness my hand and seal of office

(Seal) County of _____, State of _____

Affidavit Attached

3.10

CITATION

Cause No. 017-332243-22

AMANDA HARDIN

VS.

PUNJAB TRUCKING LLC, ET AL

ISSUED

This 4th day of March, 2022

Thomas A. Wilder
Tarrant County District Clerk
100 N CALHOUN
FORT WORTH TX 76196-0402

By **NATALIE THIGPEN** Deputy

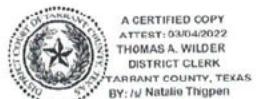
TAYLOR L SEATON
Attorney for: **AMANDA HARDIN**
Phone No. (806)242-3333
ADDRESS: 4423 SOUTHWEST 45TH AVE

AMARILLO, TX 79109

CIVIL LAW



SERVICE FEES NOT COLLECTED
BY TARRANT COUNTY DISTRICT CLERK
ORIGINAL



A CERTIFIED COPY
ATTEST: 03/04/2022
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /u Natalie Thigpen

Affidavit Attached

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address)		FOR COURT USE ONLY
U.S. LEGAL SUPPORT RANDY HOPPER P.O. BOX 1053 AMARILLO, TX 79105 TELEPHONE NO: (806) 374-2900 FAX NO (Optional): E-MAIL ADDRESS (Optional): cotx@nts-online.net ATTORNEY FOR (Name): Plaintiff		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF OUT OF STATE COURT		
STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: OUT OF STATE COURT		
PLAINTIFF / PETITIONER: AMANDA HARDIN, INDIVIDUALLY AND AS NEXT OF FRIEND OF G.B., A MINOR DEFENDANT / RESPONDENT: PUNJAB TRUCKING LLC FORWARD AIR, INC., AND KUMAR SUSHIL		CASE NUMBER: 017-332243-22
PROOF OF SERVICE		Ref. No. or File No.: 6786331 (7253)

1. At the time of service I was at least 18 years of age and not a party to this action.

2. I served copies of the:
CITATION; PLAINTIFFS ORIGINAL PETITION

3. Party served: KUMAR SUSHIL

4. Address where the party was served:
7253 PEPPERWOOD KNOLL LN APT 157
SACRAMENTO, CA 95842

5.a. I served the party on: DATE: Mar 13, 2022 TIME: 1:48 pm

I served the party by personal service. I left the items in item 2 with the defendant personally.

6. The "Notice to the Person Served" (on the summons) was completed as follows: an individual defendant.



7.a. SHAWN F. SARDIA	e. California Registered Process Server
b. C/O United Legal	Independent Contractor (not employee)
1128 E 6th St, Suite 2	Registration # 2008-05
Corona, CA 92879	County: SACRAMENTO
c. 855-401-8834	
d. Fee: \$73.00	

8. I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct.
DATE: 03/15/2022

SHAWN F. SARDIA - FILE BY FAX

FILE BY FAX

Automated Certificate of eService

This automated certificate of service was created by the efilng system. The filer served this document via email generated by the efilng system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 62640133

Status as of 3/16/2022 8:29 AM CST

Associated Case Party: AMANDAHARDIN

Name	BarNumber	Email	TimestampSubmitted	Status
Taylor Seaton		Kim@deanboyd.com	3/15/2022 5:13:56 PM	SENT

017-332243-22

CAUSE NO. 017-332243-22

FILED
TARRANT COUNTY
3/22/2022 2:31 PM
THOMAS A. WILDER
DISTRICT CLERK

**AMANDA HARDIN, individually
and as next friend of G.B., a minor
Plaintiffs,**

v.

**PUNJAB TRUCKING LLC
FORWARD AIR, INC., and
KUMAR SUSHIL,
Defendants.**

§
§
§
§
§
§
§
§

IN THE DISTRICT COURT

TARRANT COUNTY, TEXAS

17TH JUDICIAL DISTRICT

PLAINTIFF'S NOTICE OF NONSUIT WITHOUT PREJUDICE AS TO PUNJAB TRUCKING, LLC

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, **AMANDA HARDIN**, (hereinafter "Plaintiff"), and files her Notice of Nonsuit Without Prejudice as to Punjab Trucking, LLC, and in support thereof shows the Court as follows:

Notice is hereby given that Plaintiff hereby Nonsuits her pending claims and causes of action against Defendant **PUNJAB TRUCKING LLC**.

Wherefore, premises considered, Plaintiff hereby provides this Notice of Nonsuit Without Prejudice as to only Punjab Trucking, LLC, and prays that an order be entered dismissing Plaintiff's claims against Punjab Trucking LLC, without prejudice, costs taxed as incurred.

3.11

Respectfully submitted,
Attorney Dean Boyd, PLLC



Dean Boyd
State Bar No. 02766300
dean@deanboyd.com
Blake A. Scott
State Bar No. 24108307
blake@deanboyd.com
Taylor L. Seaton
State Bar. No. 24115727
taylor@deanboyd.com
4423 Southwest 45th Avenue
Amarillo, Texas 79109
Telephone: (806) 242-3333
Facsimile: (806) 322-3167
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of March 2022, I served the foregoing documents on the defendant named below.

Parry Juara
410 Pointer Place
Arlington, Texas 76002
Served electronically
REGISTERED AGENT FOR PUNJAB TRUCKING LLC

COGENCY GLOBAL, INC.
1601 ELM STREET, SUITE 4360
DALLAS, TEXAS 75201
Served by certified mail: CMRRR:7020245000049583159
REGISTERED AGENT FOR FORWARD AIR, INC.

Kumar Sushil
7253 Pepperwood Knoll Lane
Apartment 157
Sacramento, California 95842
Served by certified mail CMRRR:7020245000049583166

Automated Certificate of eService

This automated certificate of service was created by the efilng system. The filer served this document via email generated by the efilng system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Jessica Price on behalf of Taylor Seaton
Bar No. 24115727
lynn@deanboyd.com
Envelope ID: 62838384
Status as of 3/22/2022 2:34 PM CST

Associated Case Party: AMANDAHARDIN

Name	BarNumber	Email	TimestampSubmitted	Status
Taylor Seaton		Kim@deanboyd.com	3/22/2022 2:31:45 PM	SENT

017-332243-22

CAUSE NO. 017-332243-22

FILED
TARRANT COUNTY
3/22/2022 2:31 PM
THOMAS A. WILDER
DISTRICT CLERK

**AMANDA HARDIN, individually
and as next friend of G.B., a minor
Plaintiffs,**

V.

**PUNJAB TRUCKING LLC
FORWARD AIR, INC., and
KUMAR SUSHIL,
*Defendants.***

§ § § § § § § §

IN THE DISTRICT COURT

TARRANT COUNTY, TEXAS

17TH JUDICIAL DISTRICT

ORDER OF NONSUIT AS TO DEFENDANT PUNJAB TRUCKING, LLC

On this day came to be heard Plaintiff's Notice to Nonsuit without Prejudice as to Defendant Punjab Trucking, LLC in the above-entitled and numbered cause.

It is, therefore, **ORDERED, ADJUDGED, AND DECREED** that Plaintiff's claims and causes of action asserted against Defendant, Punjab Trucking LLC, are hereby **ONSUITED WITHOUT PREJUDICE** to refiling the same in any court at any time.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that all costs of court incurred at this time are hereby charged against the party incurring the same.

SIGNED this _____ day of _____, 2022.

JUDGE PRESIDING

3.12

Automated Certificate of eService

This automated certificate of service was created by the efilng system. The filer served this document via email generated by the efilng system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Jessica Price on behalf of Taylor Seaton
Bar No. 24115727
lynn@deanboyd.com
Envelope ID: 62838384
Status as of 3/22/2022 2:34 PM CST

Associated Case Party: AMANDAHARDIN

Name	BarNumber	Email	TimestampSubmitted	Status
Taylor Seaton		Kim@deanboyd.com	3/22/2022 2:31:45 PM	SENT

017-332243-22

CAUSE NO. 017-332243-22

FILED
TARRANT COUNTY
3/22/2022 2:31 PM
THOMAS A. WILDER
DISTRICT CLERK

**AMANDA HARDIN, individually
and as next friend of G.B., a minor
Plaintiffs,**

V.

**PUNJAB TRUCKING LLC
FORWARD AIR, INC., and
KUMAR SUSHIL,
*Defendants.***

§ § § § § § § § § §

IN THE DISTRICT COURT

TARRANT COUNTY, TEXAS

17TH JUDICIAL DISTRICT

ORDER OF NONSUIT AS TO DEFENDANT PUNJAB TRUCKING, LLC

On this day came to be heard Plaintiff's Notice to Nonsuit without Prejudice as to Defendant Punjab Trucking, LLC in the above-entitled and numbered cause.

It is, therefore, **ORDERED, ADJUDGED, AND DECREED** that Plaintiff's claims and causes of action asserted against Defendant, Punjab Trucking LLC, are hereby **ONSUITED WITHOUT PREJUDICE** to refiling the same in any court at any time.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that all costs of court incurred at this time are hereby charged against the party incurring the same.

SIGNED this 22nd day of March, 2022.

Melody Wilkinson
JUDGE PRESIDING

3.13

DN

EMAILED & MAILED
03/23/2022

Automated Certificate of eService

This automated certificate of service was created by the efilng system. The filer served this document via email generated by the efilng system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Jessica Price on behalf of Taylor Seaton
Bar No. 24115727
lynn@deanboyd.com
Envelope ID: 62838384
Status as of 3/22/2022 2:34 PM CST

Associated Case Party: AMANDAHARDIN

Name	BarNumber	Email	TimestampSubmitted	Status
Taylor Seaton		Kim@deanboyd.com	3/22/2022 2:31:45 PM	SENT

From: [Dalal I. Nassriyeh](#)
To: TAYLOR@DEANBOYD.COM
Subject: 017-332243-22
Date: Wednesday, March 23, 2022 8:13:00 AM
Attachments: [01733224322000020.PDF](#)
[image001.png](#)

Signed order of non-suit as to defendant Punjab Trucking, LLC

Dalal I. Nassriyeh
Civil-17th Associate Clerk
Tarrant County District Clerk
Tom Vandergriff Civil Courts Building
100 N Callhoun st., 2nd Floor
(817)884-1839
DINassriyeh@tarrantcounty.com





TARRANT COUNTY
THOMAS A. WILDER
DISTRICT CLERK - CIVIL
100 N. CALHOUN ST., 2ND FLOOR
FORT WORTH, TEXAS 76196-0402

17th

PUNJAB TRUCKING LLC
B/S REG AGENT-PARRY JUARA
410 POINTER PL
ARLINGTON TX 76002



TARRANT COUNTY
THOMAS A. WILDER
DISTRICT CLERK - CIVIL
100 N. CALHOUN ST., 2ND FLOOR
FORT WORTH, TEXAS 76196-0402

17th

KUMAR SUSHIL
7253 PEPPERWOOD KNOLL LN APT 157
SACRAMENTO CA 95842



TARRANT COUNTY
THOMAS A. WILDER
DISTRICT CLERK - CIVIL
100 N. CALHOUN ST., 2nd FLOOR
FORT WORTH, TEXAS 76196-0402

17th

FORWARD AIR INC
B/S REG AGENT-COGENCY GLOBAL INC
1601 ELM ST STE 4360
DALLAS TX 75201

017-332243-22

CAUSE NO. 017-332243-22

FILED
TARRANT COUNTY
4/1/2022 4:54 PM
THOMAS A. WILDER
DISTRICT CLERK

**AMANDA HARDIN, individually
and as next friend of G.B., a minor
Plaintiffs**

v.

**PUNJAB TRUCKING LLC
FORWARD AIR, INC., and
KUMAR SUSHIL
Defendants**

IN THE DISTRICT COURT

§

§

§

17th JUDICIAL DISTRICT

§

§

§

TARRANT COUNTY, TEXAS

DEFENDANT'S ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, **FORWARD AIR, INC.**, Defendant in the above-styled and numbered cause, and files this Original Answer and would respectfully plead as follows:

I.

GENERAL DENIAL

1. Defendant denies each and every, all and singular, the material allegations contained within Plaintiff's pleadings and demands strict proof thereof.

II.

AFFIRMATIVE DEFENSES

2. Defendant contends that the alleged accident made the basis of this lawsuit and the alleged damages, if any, were caused by the negligence of persons or third-parties over whom Defendant had no control, and for whom Defendant is not responsible. Such negligence was the sole cause or, alternatively, a proximate cause of the alleged occurrence in question and the alleged damages, if any.

3. Pleading further, Defendant raises the affirmative defense of proportionate responsibility pursuant to Tex. Civ. Prac. & Rem. Code §33.001. The acts and/or omissions of

3.14

such parties constitute negligence, and such negligence was the sole cause, or in the alternative, a proximate cause of the accident in question, and the damages and injuries, if any, sustained by Plaintiff herein.

4. Pleading further, and in the alternative, Defendant would show the damages alleged in Plaintiff's Petition, if any, were the result of a superseding and/or independent intervening cause, and Plaintiff cannot therefore provide a basis for any recovery against Defendant.

5. Defendant affirmatively plead that this was an unavoidable accident.

6. Further answering, if same be necessary, and without waiving any of the matters hereinabove asserted, Defendant would show that Plaintiff's claims of physical and/or mental ailments in this cause were, in whole or in part, proximately caused solely and/or proximately by prior and/or subsequent accidents, events, or occurrences.

7. Defendant further pleads that Plaintiff's damages, if any, were caused by an intervening cause, and/or new and independent cause which broke any causal connection between Defendant's acts and/or omissions and Plaintiff's damages. The intervening cause, and/or new independent cause was unforeseeable and a superseding cause of Plaintiff's damages, if any. Therefore, Defendant is not liable for such damages.

8. Defendant further affirmatively pleads that Plaintiff failed to mitigate her claimed damages.

9. Defendant further denies it employed the driver identified in Plaintiff's Original Petition and denies it is vicariously liable for any alleged acts or omissions described therein.

III.
LIMITATIONS ON DAMAGES

10. Defendant invokes Section 18.091 of the Texas Civil Practice and Remedies Code. To the extent Plaintiff seeks recovery for loss of earnings, loss of earning capacity, loss of contributions of a pecuniary value or loss of inheritance, the evidence to prove such loss must be presented in the form of net loss after reduction of income tax payments or unpaid tax liability. Defendant further requests the court to instruct the jury as to whether any recovery for compensatory damages sought by Plaintiff is subject to federal or state income taxes.

11. Defendant further invokes Section 41.0105 of the Texas Civil Practice and Remedies Code. To the extent Plaintiff seeks recovery of medical or healthcare expenses incurred, the evidence to prove such loss must be limited to the amount actually paid or incurred by or on behalf of Plaintiff. Defendant requests the court to instruct the jury as to whether any recovery for medical or healthcare expenses sought by Plaintiff is limited to the amount actually paid or incurred by or on behalf of Plaintiff.

12. Defendant further invokes the protections and limitations of Texas Finance Code sections 304.103, 304.1045, and 304.003, relating to any award of pre- and/or post-judgment interest.

13. Defendant reserves the right to amend or supplement this Answer, at a later time in the proceedings.

IV.
DEMAND FOR JURY TRIAL

14. Defendant hereby demands a trial by jury.

V.
DISCOVERY PLAN

15. Defendant requests a Level III Discovery Plan.

VI.
REQUEST FOR DEPOSITIONS

16. Should this matter not be dismissed or adjudicated by preliminary motion, Defendant hereby requests dates for the depositions of Plaintiff, Plaintiff's family and friends, treaters, and experts, as well as any accident or pre-accident witnesses. Defendant envisions such depositions will need to be taken after reasonable time for written discovery, including Defendant being provided, or seeking through subpoena, the relevant records related to this accident and Plaintiff's alleged damages. Defendant and Defendant's witnesses will be presented for deposition after Plaintiff's depositions.

VII.
NOTICE OF INTENT

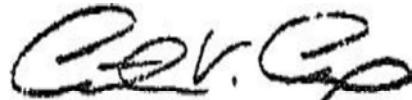
17. Defendant hereby gives notice of intent to utilize items produced in discovery in the trial of this matter and the authenticity of such items is self-proven per the Texas Rules of Civil Procedure, 193.7.

VIII.
PRAYER

Defendant respectfully prays that Plaintiff take nothing, assess costs against the Plaintiff, and request such other and further relief, at law or in equity, both general and special, at law and in equity, to which Defendant may show itself justly entitled to receive and for which Defendant shall ever pray.

Respectfully submitted,

COX P.L.L.C



Clinton V. Cox, IV
State Bar No. 24040738
ccox@coxpllc.com
Gregory R. Brenner
State Bar No. 24027052
gbrenner@coxpllc.com
8144 Walnut Hill Lane, Suite 1090
Dallas, Texas 75231
Tel: (214) 444-7050
Fax: (469) 340-1884

**ATTORNEYS FOR DEFENDANT
FORWARD AIR, INC**

CERTIFICATE OF SERVICE

THIS WILL CERTIFY that a true and correct copy of the foregoing instrument has been served on all attorneys of record pursuant to the Texas Rules of Civil Procedure on this the 1st day of April, 2022.

/s/ Greg Brenner
Greg Brenner

Automated Certificate of eService

This automated certificate of service was created by the efilng system. The filer served this document via email generated by the efilng system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Heather Young on behalf of Clint Cox
Bar No. 24040738
hyoung@coxpllc.com
Envelope ID: 63202443
Status as of 4/1/2022 4:56 PM CST

Associated Case Party: AMANDAHARDIN

Name	BarNumber	Email	TimestampSubmitted	Status
Taylor Seaton		Kim@deanboyd.com	4/1/2022 4:54:01 PM	SENT



CAUSE NO. 017-332243-22

AMANDA HARDIN

§
§
§
§
§

IN THE DISTRICT COURT

VS.

TARRANT COUNTY, TEXAS

PUNJAB TRUCKING LLC, ET AL.

17TH JUDICIAL DISTRICT

ORDER SETTING TRIAL

The Court hereby enters the following trial setting and other pretrial deadlines. All deadlines not contained in this Order shall be governed by the Texas Rules of Civil Procedure and Tarrant County Local Rules. If all parties/attorneys desire a different trial setting, an agreed scheduling order with the new trial date contained therein shall be submitted to the Court within fourteen days.

April 19, 2022 An Agreed Scheduling Order shall be submitted by this date.

January 20, 2023 Each party shall file with the clerk of the court an exhibit list, witness list, motions in limine, and a proposed charge of the court or proposed findings of fact/conclusions of law. A courtesy copy of the proposed charge should also be sent in Word format via e-mail to jmgroomsley@tarrantcounty.com.

January 26, 2023 The Court will conduct a pretrial hearing on this date and time with the parties.

January 30, 2023 This case is set for trial during the week of January 30, 2023.

Signed on this 5th day of April, 2022.

3.15

Melody Wilkinson

Melody Wilkinson, Judge Presiding

DN

04/06/2022

From: [Dalal I. Nassriyeh](#)
To: TAYLOR@DEANBOYD.COM; CCOX@COXPLLC.COM
Subject: 017-332243-22
Date: Wednesday, April 6, 2022 9:26:00 AM
Attachments: [01733224322000024.PDF](#)
[image001.png](#)

Signed order setting trial.

Dalal I. Nassriyeh
Civil-17th Associate Clerk
Tarrant County District Clerk
Tom Vandergriff Civil Courts Building
100 N Callhoun st., 2nd Floor
(817)884-1839
DINassriyeh@tarrantcounty.com





TARRANT COUNTY
THOMAS A. WILDER
DISTRICT CLERK - CIVIL
100 N. CALHOUN ST., 2nd FLOOR
FORT WORTH, TEXAS 76196-0402

17th

KUMAR SUSHIL
7253 PEPPERWOOD KNOLL LN APT 157
SACRAMENTO CA 95842

017-332243-22

FILED
TARRANT COUNTY
4/11/2022 6:05 PM
THOMAS A. WILDER
DISTRICT CLERK

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

**AMANDA HARDIN, *individually* §
and as next friend of G.B., a minor §
Plaintiffs §
§
v. § CIVIL ACTION NO. _____
§
§
§
§
PUNJAB TRUCKING LLC §
FORWARD AIR, INC., and §
KUMAR SUSHIL §
Defendants §**

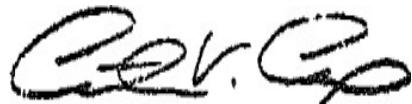
**DEFENDANT'S NOTICE OF FILING OF NOTICE OF REMOVAL
TO THE UNITED STATES DISTRICT COURT**

PLEASE TAKE NOTICE that on April 8, 2022, Defendant Forward Air, Inc. (“Defendant”) filed in the United States District Court for the Northern District of Texas, Fort Worth Division, its Notice of Removal of the above-styled and numbered cause from the 17th Judicial District Court of Tarrant County, Texas, to the United States District Court for the Northern District of Texas, Fort Worth Division. A copy of the Notice of Removal is attached as Exhibit 1.

3.16

Respectfully submitted,

COX P.L.L.C



Clinton V. Cox, IV
State Bar No. 24040738
ccox@coxpllc.com
Gregory R. Brenner
State Bar No. 24027052
gbrenner@coxpllc.com
8144 Walnut Hill Lane, Suite 1090
Dallas, Texas 75231
Tel: (214) 444-7050
Fax: (469) 340-1884

**ATTORNEYS FOR DEFENDANT
FORWARD AIR, INC.**

CERTIFICATE OF SERVICE

THIS WILL CERTIFY that a true and correct copy of the foregoing instrument has been served on all attorneys of record pursuant to the Texas Rules of Civil Procedure on this the 11th day of April, 2022.

/s/ Gregory R. Brenner
Gregory R. Brenner

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

**AMANDA HARDIN, *individually* §
and as next friend of G.B., a minor §
Plaintiffs §
§
v. § CIVIL ACTION NO. _____
§
PUNJAB TRUCKING LLC §
FORWARD AIR, INC., and §
KUMAR SUSHIL §
Defendants §**

DEFENDANT'S NOTICE OF REMOVAL

Pursuant to 28 U.S.C. 1332, 1441 and 1446, Defendant Forward Air, Inc. (“Defendant”) files this Notice of Removal from the 17th Judicial District Court of Tarrant County, Texas, to the United States District Court for the Northern District of Texas, Fort Worth Division, and respectfully states the following:

State C

1. On March 2, 2022, Plaintiff Amanda Hardin, Individually and as next friend of G.B., a minor, (“Plaintiff”) initiated this action by filing Plaintiff’s Original Petition (the “Petition”), Cause No. 017-332243-22, in the 17th Judicial District Court of Tarrant County, Texas (the “State Court Action”) against Defendant, Punjab Trucking, LLC and Kumar Sushil. Plaintiff asserts claims of negligence and negligence per se against Defendant Sushil and claims of *respondeat superior* against Forward Air, Inc and Punjab Trucking LLC. Since that original filing, Plaintiff has non-suited Punjab Trucking LLC. Plaintiff claims injuries allegedly sustained by Plaintiff in an automobile accident.

Timeliness of Removal

2. Defendant was served with Plaintiff's Petition on March 9, 2022.

3. Defendant files this Notice of Removal within thirty days after receipt of service of Plaintiff's Petition. Thus, pursuant to 28 U.S.C. 1446(b), Defendant's removal of this action is timely.

Grounds for Removal

4. Pursuant to 28 U.S.C. 1441(a), the State Court Action may be removed to this Court because this Court has original jurisdiction of the claims and parties in the State Court Action under 28 U.S.C. 1332. The United States District Court for the Northern District of Texas, Fort Worth Division, is the proper venue for this action because it presides over the district and division within which the State Court Action was filed (Tarrant County). *See* 28 U.S.C. 1441(a).

5. Plaintiff is a resident and citizen of the State of Texas. *See* Plaintiff's Original Petition, Para. IV, attached hereto as Exhibit A-2.

6. Defendant is a Tennessee corporation with its principal place of business in Greeneville, Tennessee. Thus, Defendant is domiciled in Tennessee.

7. Punjab Trucking LLC was alleged to be domiciled in Arlington, Texas but since Defendant filed its answer, Plaintiff has nonsuited Punjab from the lawsuit. Punjab is therefore no longer relevant to any removal considerations.

8. Complete diversity of citizenship therefore exists between Plaintiff and Defendant.

9. The amount in controversy exceeds \$75,000, excluding interest, costs and attorney's fees. *See* Plaintiff's Original Petition, Para. II, attached hereto as Exhibit A-2, indicating that Plaintiff seeks damages in excess of \$1,000,000.00.

Required Documents

10. The following documents are attached in accordance with LR81:

- a. A completed civil cover sheet;
- b. A supplemental civil cover sheet; and
- c. A notice of removal with a copy of each of the following:
 - i. an index of all documents that clearly identifies each document and indicates the date the document was filed in state court, attached hereto as Exhibit A;
 - ii. a copy of the docket sheet in the state court action, attached hereto as Exhibit A-1;
 - iii. each document filed in the state court action, except discovery material, attached hereto as Exhibits A-2 through A-15; and
 - iv. a separately signed certificate of interested persons.

Notice of Removal

11. Pursuant to 28 U.S.C. 1446(d), written notice of the filing of this Notice of Removal to all adverse parties and a true and correct copy of this Notice of Removal will be filed with the Clerk of the 17th Judicial District Court of Tarrant County, Texas.

Request for Relief

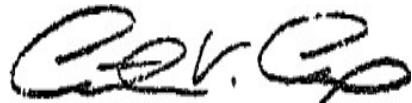
12. Defendant requests the following relief:

- a. That the Court make such orders, if any, and take such action, if any, as may be necessary in connection with the removal of the State Court Action to this Court; and

b. Such other and further relief, both general and special, at law and in equity, to which Defendant may show itself justly entitled.

Respectfully submitted,

COX P.L.L.C



Clinton V. Cox, IV
State Bar No. 24040738
ccox@coxpllc.com
Gregory R. Brenner
State Bar No. 24027052
gbrenner@coxpllc.com
8144 Walnut Hill Lane, Suite 1090
Dallas, Texas 75231
Tel: (214) 444-7050
Fax: (469) 340-1884

**ATTORNEYS FOR DEFENDANT
FORWARD AIR, INC.**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served on all counsel of records, in accordance with the Federal Rules of Civil Procedure on this the 8th day of April, 2022.

/s/ Gregory R. Brenner
Gregory R. Brenner

Automated Certificate of eService

This automated certificate of service was created by the efilng system. The filer served this document via email generated by the efilng system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Heather Young on behalf of Clint Cox
Bar No. 24040738
hyoung@coxpllc.com
Envelope ID: 63472033
Status as of 4/12/2022 8:44 AM CST

Associated Case Party: AMANDAHARDIN

Name	BarNumber	Email	TimestampSubmitted	Status
Taylor Seaton		Kim@deanboyd.com	4/11/2022 6:05:11 PM	SENT

Associated Case Party: THEFORWARD AIR INC

Name	BarNumber	Email	TimestampSubmitted	Status
Clint V.Cox		ccox@coxpllc.com	4/11/2022 6:05:11 PM	SENT
Greg Brenner		gbrenner@coxpllc.com	4/11/2022 6:05:11 PM	SENT
Heather Young		hyoung@coxpllc.com	4/11/2022 6:05:11 PM	SENT

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

**AMANDA HARDIN, INDIVIDUALLY AND
AS NEXT FRIEND OF G.B., A MINOR,**

Plaintiffs,
v. **No. 4:22-cv-0288-P**
FORWARD AIR, INC. ET AL.,
Defendants.

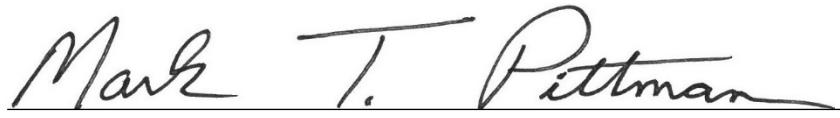
ORDER

Before the Court is Plaintiff Amanda Hardin's Agreed Motion to Remand ("Motion"). ECF No. 12. Having reviewed the Motion, applicable law, and docket entries, the Court **GRANTS** the Motion.

Accordingly, it is **ORDERED** that this case is **REMANDED** to the **17th Judicial District Court of Tarrant County, Texas.**

The Clerk of this Court is therefore **INSTRUCTED** to mail a certified copy of this Order to the District Court Clerk of Tarrant County, Texas.

SO ORDERED on this **29th** day of **April, 2022.**



Mark T. Pittman
UNITED STATES DISTRICT JUDGE

United States District Court
Northern District of Texas

Karen Mitchell
Clerk of Court

Fort Worth Division

4/29/2022

17th District Court
Tom Vandergriff Civil Courts Building
3rd Floor 100 North Calhoun Street
Fort Worth, Texas 76196

RE: Letter of Remand

Style: Hardin v. Forward Air, Inc. et al 4:22-CV-288-P

Dear Clerk:

Enclosed is a certified copy of an Order and/or Judgment remanding the above captioned case back to the 17th Judicial District Court, Tarrant County, TX, , Tarrant County, TX along with a copy of the docket sheet.

If you have any questions regarding this matter, I may be reached at 817-850-6608 .

Sincerely,
Karen Mitchell, Clerk

By: SRE
Deputy Clerk

Enclosure Certified Copy of Docket Sheet and Order

cc: Counsel of Record
Case file (public entry)

3.18

017-332243-22

CAUSE NO.: 017-332243-22

FILED
TARRANT COUNTY
5/6/2022 9:42 AM
THOMAS A. WILDER
DISTRICT CLERK

AMANDA HARDIN, INDIVIDUALLY, AND AS NEXT FRIEND OF G.B, A MINOR, PLAINTIFF,	§	IN THE DISTRICT COURT
V.	§	17 TH JUDICIAL DISTRICT
PUNJAB TRUCKING LLC, FORWARD AIR, INC., AND KUMAR SUSHIL, DEFENDANTS.	§	TARRANT COUNTY, TEXAS

DEFENDANT KUMAR SUSHIL'S ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now Defendant, Kumar Sushil ("Defendant"), and files this Original Answer, and would respectfully show as follows:

**I.
GENERAL DENIAL**

Defendant denies each and every, all and singular, the allegations contained in Plaintiff's Petition, as well as subsequent amendments thereto, and demand strict proof thereof as authorized by TEXAS RULE OF CIVIL PROCEDURE 92.

**II.
AFFIRMATIVE DEFENSES**

Defendant asserts the following affirmative defenses in this case:

Responsible Third Party. Defendant says that the injuries alleged in Plaintiff's petition were proximately and solely caused by the negligent acts of third parties over whom Defendant could not, and did not, exercise any control whatsoever.

Contributing or Comparative Fault of Plaintiff. Defendant asserts Sections 33.001 et. seq. of the Texas Civil Practice and Remedies Code, the contributing provisions of Sections 32.001 et. seq. of the Texas Civil Practice and Remedies Code, and the common law doctrine of comparative

fault. Plaintiff and G.B.'s damages or liabilities, if any exist, are the result, in whole or in part, of the negligence of Plaintiff. Such acts and omissions were a proximate, producing, contributing and/or sole cause of the damages to Plaintiff, if any.

Unreasonable & Excessive Treatment & Expenses. Defendant would further show that the medical treatment claimed by Plaintiff and G.B. was excessive and unnecessary and that the medical expenses claimed were unreasonable and unnecessary and were not proximately caused by any act and/or omission by Defendant.

Failure to Mitigate Damages. Defendant would further show that any injuries, damages, or liabilities complained of by Plaintiff and G.B. herein are the result, in whole or in part, of Plaintiff's failure to mitigate damages. Pleading further, to the extent that Plaintiff had or have coverage under a health insurance policy, hospitalization insurance policy, accident insurance policy, a "health benefit plan" as defined by §146.001(1) Tex. Civ. Prac. & Rem. Code, and/or any other insurance and/or indemnity coverage that would be applicable to, or provide coverage for, any of the medical and/or healthcare expenses allegedly incurred by Plaintiff in connection with the incident in question and/or the injuries allegedly resulting therefrom, Defendant would show that Plaintiff failed to mitigate Plaintiff and G.B.'s alleged damages by failing to submit such healthcare expenses to their insurance carrier and/or other health benefit plan and/or by failing to timely inform their health care service provider of the existence of such insurance coverage and/or health benefit plan and requesting that the health care service provider submit a claim for reimbursement to their insurer(s) and/or health benefit plan.

Furthermore, to the extent that Plaintiff's and G.B.'s health care service provider(s) failed and/or refused to timely and directly bill Plaintiff's and G.B.'s insurer and/or health benefit plan for health care services provided to the Plaintiff and G.B. and/or for health care expenses incurred

by the Plaintiff and G.B., when required or authorized to do so, then claims by such health care service provider(s) are barred, in whole or in part, and do not constitute medical expenses actually paid or incurred by or on behalf of the Plaintiff and G.B.. *See Tex. Civ. Prac. & Rem. Code §146.003, et seq.* (“Certain Claims by Health Care Service Providers Barred”).

Paid or Incurred Medical Expenses. Defendant would further show that Plaintiff’s and G.B.’s medical expenses should be limited to those actually paid or incurred by or on behalf of the claimant pursuant to Texas Civil Practice & Remedies Code section 41.0105 and *Haygood v. De Escabedo*, 356 S.W.3d 390 (Tex. 2011).

Pre-existing Conditions. Defendant would further show that any injuries, damages, or liabilities complained of by Plaintiff and G.B. herein are the result, in whole or in part, of pre-existing conditions, injuries, diseases, and disabilities and not the result of any act or omission on the part Defendant.

Subsequent Conditions. Defendant would further show that any injuries, damages, or liabilities complained of by Plaintiff and G.B. herein are the result, in whole or in part, of subsequent conditions, injuries, diseases, and disabilities and not the result of any act or omission on the part of Defendant.

Pre-Judgment Interests. For further answer, if same be necessary, Defendant further alleges that Plaintiff’s claims for pre-judgment interest are limited, as applicable to this case, by the damages and amounts set forth in:

- a. Chapter 304, Texas Finance Code; and
- b. Chapter 41, Texas Civil Practice and Remedies Code.

Sudden Emergency. Defendant would further assert that he was confronted by a sudden emergency arising suddenly and unexpectedly, which was not proximately caused by any negligence on Defendant's part and which to a reasonable person, requires immediate action without time for deliberation. Defendant specifically denies that any act or omission of his was a producing cause of the injuries and damages, if any, claimed by the Plaintiff and G.B. in this cause of action.

Settling Persons. In the event there is, or later becomes, a settling person or persons herein, then Defendant intends to rely upon the provisions of Sections 33.0012 and 33.015 of the Texas Civil Practice and Remedies Code, together with any other statute, statutes or case authority with respect to their rights with respect to a settling person. Further, Defendant invokes its legal right to a reduction of any dollar verdict which may be rendered in this cause by credit for payments made by other persons or entities or by percentage reductions to which Defendant would be entitled as a result of jury findings against other persons or entities. In this connection, Defendant reserves the right to submit issues against parties who may be present in the case or absent from the case at the time the matter is submitted to the jury for fact determination.

Lost Wages/Earning Capacity. Defendant would show that Plaintiff's damages, if any, with respect to loss of earnings and/or loss of earning capacity, if any, should be limited to a net loss after reduction for income tax payments or unpaid tax liability as set forth in §18.091 of the Texas Civil Practice & Remedies Code.

III.

**NOTICE OF INTENT TO USE DOCUMENTS PRODUCED PURSUANT TO T.R.C.P.
193.7**

Defendant places Plaintiff on notice that pursuant to Tex. R. Civ. P. 193.7, all documents produced by Plaintiff in this litigation are authenticated for use against the producing party in this case and maybe used as evidence during pre-trial procedures and at trial of this matter.

**IV.
PRAYER**

WHEREFORE, PREMISES CONSIDERED, Defendant prays that upon final hearing hereof, Plaintiff takes nothing by way of their cause of action herein, that Defendant recovers its costs herein expended and for such other and further relief, at law or in equity, to which Defendant may show itself justly entitled to receive.

Respectfully submitted,

LAW OFFICE OF MATTHEW A. FORD

/s/ Matthew A. Ford
MATTHEW A. FORD
State Bar No. 24079875
Email: mford@principledclaims.com

1301 Solana Boulevard
Suite 2335
Westlake, Texas 76262
Voice/Fax: (817) 865-1953
ATTORNEYS FOR DEFENDANT
KUMAR SUSHIL

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document has been forwarded to all known counsel of record pursuant to the Texas Rules of Civil Procedure on May 6, 2022.

Blake A. Scott
State Bar No. 24108307
blake@deanboyd.com
Taylor L. Seaton
State Bar No. 24115727
taylor@deanboyd.com
Dean Boyd
State Bar No. 02766300
dean@deanboyd.com
Attorney Dean Boyd, PLLC
4423 Southwest 45th Avenue
Amarillo, Texas 79109
Telephone: (806) 242-3333
Facsimile: (806) 322-3167
Attorneys for Plaintiff

Clinton V. Cox, IV
State Bar No. 24040738
ccox@coxpllc.com
Gregory R. Brenner
State Bar No. 24027052
gbrenner@coxpllc.com
Cox, PLLC
8144 Walnut Hill Lane, Suite 1090
Dallas, Texas 75231
Tel: (214) 444-7050
Fax: (469) 340-1884
Attorneys for Defendant
Forward Air, Inc.

/s/ Matthew A. Ford
Matthew A. Ford

Automated Certificate of eService

This automated certificate of service was created by the efilng system. The filer served this document via email generated by the efilng system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 64253977

Status as of 5/6/2022 9:44 AM CST

Associated Case Party: AMANDAHARDIN

Name	BarNumber	Email	TimestampSubmitted	Status
Taylor Seaton		Kim@deanboyd.com	5/6/2022 9:42:28 AM	SENT

Associated Case Party: THEFORWARD AIR INC

Name	BarNumber	Email	TimestampSubmitted	Status
Clint V.Cox		ccox@coxpllc.com	5/6/2022 9:42:28 AM	SENT
Greg Brenner		gbrenner@coxpllc.com	5/6/2022 9:42:28 AM	SENT
Heather Young		hyoung@coxpllc.com	5/6/2022 9:42:28 AM	SENT



CAUSE NO. 017-332243-22

AMANDA HARDIN

§

IN THE DISTRICT COURT

VS.

§

TARRANT COUNTY, TEXAS

PUNJAB TRUCKING LLC, ET AL

§

17TH JUDICIAL DISTRICT

ORDER SETTING TRIAL

The Court hereby enters the following trial setting and other pretrial deadlines. All deadlines not contained in this Order shall be governed by the Texas Rules of Civil Procedure and Tarrant County Local Rules. If all parties/attorneys desire a different trial setting, an agreed scheduling order with the new trial date contained therein shall be submitted to the Court within fourteen days.

May 20, 2022 An Agreed Scheduling Order shall be submitted by this date.

January 13, 2023 Each party shall file with the clerk of the court an exhibit list, witness list, motions in limine, and a proposed charge of the court or proposed findings of fact/conclusions of law. A courtesy copy of the proposed charge should also be sent in Word format via e-mail to jmgroomsley@tarrantcounty.com.

January 19, 2023 The Court will conduct a pretrial hearing on this date and time with the parties.
at 2:30 p.m.

January 30, 2023 This case is set for trial during the week of January 30, 2023.

Signed on this 6th day of May, 2022.

3.20

A handwritten signature in black ink that reads "Melody Wilkinson".

Melody Wilkinson, Judge Presiding

From: [Daletia S. Price](#)
To: TAYLOR@DEANBOYD.COM; CCOX@COXPILLC.COM; MFORD@PRINCIPLEDCLAIMS.COM
Subject: 017-332243-22
Date: Monday, May 9, 2022 8:12:00 AM
Attachments: [01733224322000032.PDF](#)

Signed Order Setting Trial

*DaLetia S. Price
Civil-17th Administrative Clerk
Tarrant County District Clerk
Tom Vandergriff Civil Courts Building
100 N Calhoun St., 2nd Floor
Fort Worth, TX 76196
(817)884-1567
dsprice@tarrantcounty.com*



017-332243-22

FILED
TARRANT COUNTY
5/23/2022 10:42 AM
THOMAS A. WILDER
DISTRICT CLERK

CAUSE NO. 017-332243-22

**AMANDA HARDIN, individually
and as next of friend of G.B., a minor
Plaintiffs,**

V.

**PUNJAB TRUCKING LLC
FORWARD AIR, INC., and
KUMAR SUSHIL,
*Defendants.***

LEVEL 3 AGREED DISCOVERY CONTROL PLAN

The following Order is entered in accordance with Rule 166 of the Texas Rules of Civil Procedure and it is based on the information currently available to the Court. If no date is given below the item is governed by the Texas Rules of Civil Procedure. The parties may amend these dates by written agreement. The following deadlines shall apply to this case unless modified by the Court or by agreement of the parties.

Handwritten Week of
1. 06/26/2023. Trial Setting

Handwritten signature June 15, 2023 Pre-trial hearing
at 2:30 p.m. *Handwritten signature*

2. *7/10/09* 06/16/2023 by noon Parties shall file with the clerk an Exhibit List, Witness List, Motions in Limine, and a proposed Charge of the Court or proposed Findings of Fact/Conclusions of Law. A courtesy copy of the proposed charges should also be sent in Word format via e-mail to jmgrimsley@tarrantcounty.com.

3. 04/17/2023. **End of Discovery Period.** All discovery must be completed by this date. Discovery must be served promptly enough to permit timely response by the other party (per TRCP) no later than this deadline. Incomplete discovery will not constitute good cause to delay the trial date or the other deadlines established in this Order.

4. Limits on Discovery

- a. Each party may serve 25 Interrogatories on any other party.
- b. Each party is allowed 6 hours of oral deposition per witness to cross-examine opposing parties, experts designated by those parties, and persons subject to those parties' control.
- c. The parties may modify these limitations by Rule 11 agreement.

3.21

DN

5. 02/09/2023. **Deadline to Add Parties.** The date upon which all new parties shall be added and motions for leave to designate responsible third parties shall be filed and any corresponding hearings requested.

6. **CPRC Chapter 18 Affidavits**

- a. 11/04/2022. Plaintiff's deadline to produce and serve medical and billing record affidavits pursuant to Civ. Prac. & Rem. Code Chapter 18 and file the accompanying notices.
- b. 12/05/2022. Defendant's deadline to produce and serve counter affidavits pursuant to Civ. Prac. & Rem. Code Chapter 18 and file the accompanying notices.

7. **Deadlines to Amend or Supplement Pleadings:**

- a. 09/22/2022. Amended or supplemental pleadings seeking any form of affirmative relief must be filed by this date.
- b. 10/06/2022. Amended or supplemental responsive pleadings must be filed by this date.

8. **Deadline to Designate Testifying Expert Witnesses.** An expert not designated before the following deadlines shall not be permitted to testify unless good cause is shown for late designation:

- a. 01/28/2023. **Plaintiff's Experts.** By this date Plaintiff shall designate testifying expert witnesses and provide the information required by Texas Rule of Civil Procedure 194.2(f) and a written report prepared by the expert setting forth the substance of the expert's opinions.
- b. 02/27/2023. **Defendant's Experts.** By this date Defendant shall designate testifying expert witnesses and provide the information required by Texas Rule of Civil Procedure 194.2(f) and a written report prepared by the expert setting forth the substance of the expert's opinions.
- c. 03/25/2023 **Daubert Challenges Hearing.**

IT IS THE RESPONSIBILITY OF THE OBJECTING PARTY TO TIMELY ACT SO AS TO ASSURE THAT A HEARING ON ANY SUCH CHALLENGE OR OBJECTION IS SET NO LESS THAN THIRTY (30) DAYS BEFORE THE ABOVE TRIAL READY DATE. A FAILURE TO MEET THIS 30-DAY DEADLINE WITHOUT LEAVE OF COURT SHALL BE DEEMED A WAIVER OF ANY CHALLENGE OR OBJECTION TO THE QUALIFICATIONS OF AN EXPERT WITNESS OR THE BASIS OF THE OPINIONS OF AN EXPERT WITNESS.

9. **Mediation.**

- a. 10/20/2022. **Deadline.** The parties shall attend mediation on or before this date. Absent permission of the Court as reflected in a written Order all parties are required to appear in person. Any person appearing on behalf of an insurance company or a corporate/business entity is required to have full settlement authority.
- b. **Objections to mediation.** The parties shall file any objections to mediation no later than thirty (30) days before the deadline set forth in ¶ 7(a).
- c. **Failure to Agree upon a Mediator.** If the parties cannot agree on the selection of a mediator, and if no objection to mediation is on file, the attorney for the Plaintiff(s) shall inform the Court in writing no later than thirty (30) days before the mediation deadline set forth in ¶ 8(a), after which the Court will appoint a mediator for the case.

10.03/25/2023. **Dispositive Motions.** The deadline for the filing of any motion seeking summary dismissal of a substantive claim or defense and securing an appropriate setting for hearing in accordance with Texas Rules of Civil Procedure. **In no event will the Court hear a dispositive motion with thirty (30) days of the above Trial Ready Date.**

11. Trial Deadlines.

- a. **Witness and Exhibit Lists.** No later than ~~seven (7) days before the date the Court sets for the trial of this cause at the calling of the Court's trial docket~~, the Parties shall exchange (and provide a courtesy copy to the Court) their respective lists of fact and expert witnesses and exhibits to be offered into evidence at trial. *MW*
by noon on June 9, 2023
- b. **Deposition Designations.** No later than seven (7) days before the date the Court sets for the trial of this cause at the calling of the Court's trial docket, the Parties shall exchange designations of those portions of depositions that each Party plans to use in the Party's case in chief. This deadline does NOT apply to deposition testimony used only for the purpose of impeachment.
- c. **Motions in Limine and Proposed Jury Instructions.** No later than ~~3 business days before the date the Court sets for the trial of this cause at the calling of the Court's trial docket~~, the Parties shall exchange (and provide a courtesy copy to the Court) their respective motions in limine and proposed jury instructions. *MW*
by noon on June 9, 2023

SIGNED this the 27th day of May, 2022.

Melody Wilkinson
JUDGE PRESIDING

APPROVED AS TO FORM AND CONTENT:

By: /s/ Gregory R. Brenner (w/permission)
CLINTON V. COX, IV SBN24040738
ccox@coxpllc.com
GREGORY R. BRENNER SBN 24027052
gbrenner@coxpllc.com
COX PLLC
8144 Walnut Hill Lane, Suite 1090
Dallas, Texas 75231
ATTORNEY FOR DEFENDANT
FORWARD AIR, INC.

By: /s/ Blake Scott
DEAN BOYD SBN 02766300
dean@deanboyd.com
BLAKE SCOTT SBN 24108307
blake@deanboyd.com
TAYLOR SEATON SBN 24115727
taylor@deanboyd.com
ATTORNEY DEAN BOYD, PLLC
4423 Southwest 45th Avenue
Amarillo, Texas 79109
ATTORNEYS FOR PLAINTIFF

By: /s/ Matthew A. Ford (w/permission)
MATTHEW A. FORD SBN 24079875
mford@principledclaims.com
1301 Solana Boulevard
Suite 2335
Westlake, Texas 76262
Voice/Fax: (817) 865-1953
ATTORNEYS FOR DEFENDANT
KUMAR SUSHIL

Automated Certificate of eService

This automated certificate of service was created by the efilng system. The filer served this document via email generated by the efilng system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Kim Clark on behalf of Blake Scott
 Bar No. 24108307
 kim@deanboyd.com
 Envelope ID: 64745649
 Status as of 5/23/2022 11:31 AM CST

Associated Case Party: AMANDAHARDIN

Name	BarNumber	Email	TimestampSubmitted	Status
Taylor Seaton		Kim@deanboyd.com	5/23/2022 10:42:59 AM	SENT

Associated Case Party: THEFORWARD AIR INC

Name	BarNumber	Email	TimestampSubmitted	Status
Clint V.Cox		ccox@coxpllc.com	5/23/2022 10:42:59 AM	SENT
Greg Brenner		gbrenner@coxpllc.com	5/23/2022 10:42:59 AM	SENT
Heather Young		hyoung@coxpllc.com	5/23/2022 10:42:59 AM	SENT

Associated Case Party: KUMARSUSHIL

Name	BarNumber	Email	TimestampSubmitted	Status
Matthew AFord		mford@principledclaims.com	5/23/2022 10:42:59 AM	SENT

From: [Dalal I. Nassriyeh](#)
To: ["TAYLOR@DEANBOYD.COM"](#); ["CCOX@COXPLLC.COM"](#); ["MFORD@PRINCIPLEDCLAIMS.COM"](#)
Subject: 017-332243-22
Date: Tuesday, May 31, 2022 9:52:00 AM
Attachments: [0173322432000035.PDF](#)
[image001.png](#)

Signed level 3 agreed discovery control plan.

Dalal I. Nassriyeh
Civil-17th Associate Clerk
Tarrant County District Clerk
Tom Vandergriff Civil Courts Building
100 N Callhoun st., 2nd Floor
(817)884-1839
DINassriyeh@tarrantcounty.com



017-332243-22

CAUSE NO. 017-332243-22

FILED
TARRANT COUNTY
6/29/2022 3:55 PM
THOMAS A. WILDER
DISTRICT CLERK

**AMANDA HARDIN, *individually*
and as next of friend of G.B., a minor
*Plaintiffs,***

V.

**PUNJAB TRUCKING LLC,
FORWARD AIR, INC., and
KUMAR SUSHIL,
*Defendants.***

§ IN THE DISTRICT COURT OF

¶ ¶ ¶ ¶ ¶ ¶ ¶ ¶

IN THE DISTRICT COURT O

TARRANT COUNTY, TEXAS

17TH JUDICIAL DISTRICT

PLAINTIFFS' FIRST AMENDED PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

AMANDA HARDIN, (hereinafter “Plaintiff”) individually and as next friend of G.B. (hereinafter “Minor Plaintiff” and collectively “Plaintiffs”), files this Original Petition complaining of Defendants, **PUNJ-AAB TRUCKING INC.** (hereinafter “Defendant Punj-aab”), **FORWARD AIR., INC.** (hereinafter “Defendant Forward Air”), and **KUMAR SUSHIL** (hereinafter “Defendant Kumar” and collectively “Defendants”), and for cause of action would respectfully show the Court and jury the following:

I.
DISCOVERY CONTROL PLAN

1. Plaintiff intends that discovery be conducted under Level 3.

II.
TEXAS RULE OF CIVIL PROCEDURE 47

2. Plaintiff seeks damages that are within the jurisdictional limits of the Court. TEX. R. CIV. P. 47(b). 3.22

3. Plaintiff seeks monetary relief over \$1,000,000. TEX. R. CIV. P. 47(c)(4).

III.
TRCP 193.7 NOTICE

4. Pursuant to Texas Rules of Civil Procedure 193.7, Defendants are hereby given notice that Plaintiff intends to use documents produced by Defendants in response to written discovery at any pretrial proceeding or trial.

IV.
PARTIES

5. Plaintiff **AMANDA HARDIN**, an individual, resides in Potter County, Texas. The last three digits of her social security number are 206 and the last three digits of her Texas driver's license number are 527.

6. **DEFENDANT PUNJ-AAB** is a domestic limited liability company licensed to do business in California. Defendant Punj-aab's counsel has agreed to accept service on their behalf. Defendant Punj-aab's counsel, Matthew Ford, has agreed to accept service via email on behalf of Defendant Punj-aab.

7. No service of Defendant Forward Air is necessary at this time.

8. No service of Defendant Sushil is necessary at this time.

9. Plaintiff specifically invokes the right to institute this suit against Defendants in any other name that has been used to designate the Defendants, or which the Defendants have used at any time. Plaintiff expressly invokes the right under Rule 28 of the Texas Rules of Civil Procedure to have the true name of Defendants substituted at a later time upon the motion of any party or of the Court. In the event any parties are misnamed or not included herein, such event was a misnomer.

V.
JURISDICTION AND VENUE

10. The amount in controversy in this case is within the jurisdictional limits of this Court.
11. Tarrant County is a county of proper venue.
12. **DEFENDANT PUNJ-AAB.** The court has personal jurisdiction over Defendant Punj-aab, a nonresident, because Defendant Punj-aab purposefully availed itself of the privileges and benefits of conducting business in Texas by performing services in Texas. TEX. CIV. PRAC. & REM. CODE ANN. § 17.042(2).
13. **DEFENDANT FORWARD AIR.** The court has personal jurisdiction over Defendant Forward Air, a nonresident, because Defendant Forward Air purposefully availed itself of the privileges and benefits of conducting business in Texas by performing services in Texas. Further, Defendant Forward Air committed a tort, which is the subject of this suit, in whole or in part in Texas. TEX. CIV. PRAC. & REM. CODE ANN. § 17.042(2).
14. **DEFENDANT SUSHIL.** The court has personal jurisdiction over Defendant Sushil, a nonresident, because Defendant Sushil purposefully availed himself of the privileges and benefits of conducting business in Texas by performing services in Texas. TEX. CIV. PRAC. & REM. CODE ANN. § 17.042(2).

VI.
BACKGROUND FACTS

15. On or about June 25, 2021, Plaintiff along with Minor Plaintiff were eastbound on I-40 in Custer County, Oklahoma.
16. At the same time, Defendant Sushil was traveling on I-40 in Custer, County Oklahoma. Defendant Sushil collided with Plaintiff's vehicle and caused the vehicle to roll.

17. At the time of the collision, the vehicle Defendant Sushil was driving was owned by Defendant Forward Air and/or Defendant Punj-aab.

18. As a result of the collision, Plaintiff and Minor Plaintiff sustained severe personal injuries and damages.

VII.

DEFENDANT FORWARD AIR & DEFENDANT PUNJ-AAB

19. **VICARIOUS LIABILITY—RESPONDEAT SUPERIOR.** Plaintiff fully incorporates by reference the allegations contained in the preceding paragraphs.

20. Defendant Forward Air and/or Defendant Punj-aab employed Defendant Sushil at the time of Plaintiffs' injuries.

21. Defendant Sushil was acting within the scope of such employment and/or agency and/or in furtherance of the business of Defendant Forward Air and/or Defendant Punj-aab at the time of Plaintiffs' injuries.

22. As such, Defendant Forward Air and/or Defendant Punj-aab are legally responsible for the negligence of Defendant Sushil under the principle of agency, respondeat superior, and vicarious liability. Thus, Defendant Forward Air and/or Defendant Punj-aab are liable for the negligence of Defendant Sushil.

23. In the alternative, in the event Defendant Forward Air and/or Defendant Punj-aab did not employ Defendant Sushil, Defendant Sushil was acting under the direction and control of Defendant Forward Air and/or Defendant Punj-aab at the time of the incident in question.

24. Further, Defendant Forward Air and/or Defendant Punj-aab were negligent in its hiring, supervision, and/or training of Defendant Sushil. Defendant Forward Air and/or Defendant Punj-aab's negligence proximately caused Plaintiffs' injuries.

VIII.
DEFENDANT SUSHIL

25. **NEGLIGENCE.** Plaintiff fully incorporates by reference the allegations contained in the preceding paragraphs.

26. The collision described above, and the resulting injuries and damages suffered by Plaintiffs were proximately caused by the negligent conduct of Defendant Sushil, as follows:

- a. Failing to ascertain that movement could be made safely before moving from his lane;
- b. Failure to timely apply his brakes;
- c. Failure to take proper evasive action;
- d. Failure to keep a proper lookout;
- e. Failure to maintain a safe distance between vehicles; and
- f. Failure to act as a reasonably prudent driver under the same or similar circumstances.

27. **NEGLIGENCE PER SE.** The collision described above, and the resulting injuries and damages suffered by Plaintiffs, were proximately caused by the negligent conduct of the Defendant Sushil, as follows:

- a. Violating Texas Transportation Code § 545.060 by moving from a lane when movement could not be made safely.

28. Each of the foregoing acts and/or omissions, taken together or individually, constitute negligence and negligence per se. Moreover, the negligence of Defendant Sushil, as set out above, constitutes negligence as a matter of law and each proximately caused the collision and the injuries and damages sustained by Plaintiff.

IX.
DAMAGES

29. Plaintiff incorporates the allegations contained in the preceding paragraphs as if fully set forth and stated herein.

30. As a result of Defendants' negligence, Plaintiffs suffered severe personal injuries to their entire body.

31. Some of these ill-effects may be permanent and will abide with Plaintiffs for their entire life. The specific injuries and their ill effects have, in turn, caused Plaintiff's physical and mental condition to deteriorate generally, so that the specific injuries and ill effects alleged have caused and will, in all reasonable probability, cause Plaintiffs to suffer the consequences and ill effects of this deterioration throughout their body for the balance of their natural life.

32. As a further result of the nature and consequences of the injuries, Plaintiff has suffered physical pain and suffering, and mental anguish, and in all reasonable probability, will continue to suffer physical pain and mental anguish for a long time into the future.

33. As a further result of the injuries sustained by Plaintiff, there is a reasonable probability that they will require further medical care and attention and will incur future reasonable and necessary expenses for their medical care and attention. Plaintiffs seek recovery for all related future medical expenses.

34. By reason of all of the above, Plaintiff suffered losses and damages in a sum that exceeds the minimum jurisdictional limits of the Court for which they sue.

35. Plaintiffs seek damages for their injuries and damages which directly and proximately resulted from Defendants' negligence in the following particulars:

- a. Physical pain and suffering in the past;

- b. Physical pain and suffering, that, in reasonable probability, Plaintiffs will incur in the future;
- c. Mental anguish sustained in the past;
- d. Mental anguish that, in reasonable probability, Plaintiffs will sustain in the future;
- e. Loss of enjoyment of life in the past;
- f. Loss of enjoyment of life that, in reasonable probability, Plaintiffs will sustain in the future;
- g. Medical expenses incurred in the past;
- h. Medical expenses that, in reasonable probability, Plaintiffs will incur in the future;
- i. Physical impairment in the past;
- j. Physical impairment that, in reasonable probability, Plaintiffs will sustain in the future; and
- k. Disfigurement.

X.
CONDITIONS PRECEDENT

36. All conditions precedent to Plaintiffs' claims for relief have been performed or have occurred.

XI.
JURY DEMAND

37. Plaintiff requests a trial by jury and tenders the appropriate fee with this Petition.

XII.
PRAYER

38. WHEREFORE, Plaintiff requests that Defendants be cited to appear and answer herein and that upon a final trial of this cause, Plaintiff recover:

- a. Judgment against Defendants for actual damages in an amount in excess of the minimum jurisdictional limits of this Court, with prejudgment interest at the highest rate allowed by law;
- b. Interest after judgment at the highest rate allowed by law;
- c. Costs of suit; and
- d. Such other and further relief to which Plaintiff may be or become justly entitled.

Respectfully submitted,
ATTORNEY DEAN BOYD, PLLC

/s/ *Taylor Seaton*
Blake A. Scott
State Bar No. 24108307
blake@deanboyd.com
Taylor L. Seaton
State Bar No. 24115727
taylor@deanboyd.com
Dean Boyd
State Bar No. 02766300
dean@deanboyd.com
4423 Southwest 45th Avenue
Amarillo, Texas 79109
Telephone: (806) 242-3333
Facsimile: (806) 322-3167
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of June 2022, I served the foregoing documents on the defendant named below.

Matthew Ford
1301 Solana Boulevard, Suite 2335
Westlake, Texas 76262
Fax: (817) 865-1953

Attorney for Kumar Sushil and Punj-aab Trucking LLC

Cox, PLLC
Clinton V. Cox, IV
ccox@coxpllc.com
Gregory R. Brenner
gbrenner@coxpllc.com
8144 Walnut Hill Lane, Suite 1090
Dallas, Texas 75231
Tel: (214) 444-7050
Fax: (469) 340-1884

Attorneys for Defendant Forward Air, Inc.

/s/ Taylor Seaton

Taylor Seaton
Attorney at Law

Automated Certificate of eService

This automated certificate of service was created by the efilng system. The filer served this document via email generated by the efilng system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Kim Clark on behalf of Taylor Seaton
 Bar No. 24115727
 kim@deanboyd.com
 Envelope ID: 65901154
 Status as of 6/29/2022 4:04 PM CST

Associated Case Party: AMANDAHARDIN

Name	BarNumber	Email	TimestampSubmitted	Status
Taylor Seaton		Kim@deanboyd.com	6/29/2022 3:55:20 PM	SENT

Associated Case Party: THEFORWARD AIR INC

Name	BarNumber	Email	TimestampSubmitted	Status
Clint V.Cox		ccox@coxpllc.com	6/29/2022 3:55:20 PM	SENT
Greg Brenner		gbrenner@coxpllc.com	6/29/2022 3:55:20 PM	SENT
Heather Young		hyoung@coxpllc.com	6/29/2022 3:55:20 PM	SENT

Associated Case Party: KUMARSUSHIL

Name	BarNumber	Email	TimestampSubmitted	Status
Matthew AFord		mford@principledclaims.com	6/29/2022 3:55:20 PM	ERROR

Associated Case Party: Punj-aab Trucking Inc.

Name	BarNumber	Email	TimestampSubmitted	Status
Matthew Ford		mford@principledclaims.com	6/29/2022 3:55:20 PM	ERROR